

Message

From: Esher, Diana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44BD082A59CD44FFA0D5B1C054A3E996-DESHER]
Sent: 10/26/2020 12:56:27 PM
To: Rivera, Nina [Rivera.Nina@epa.gov]
Subject: RE: Excused Leave for Serving as a Non-Partisan Volunteer Election Official

No need to be sorry. Others will have it as well.

Diana Esher
Deputy Regional Administrator
US EPA Region 3
215-814-2706
esher.diana@epa.gov

From: Rivera, Nina
Sent: Monday, October 26, 2020 8:53 AM
To: Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: Excused Leave for Serving as a Non-Partisan Volunteer Election Official

Sorry, I did mean for volunteering on election day.

From: Esher, Diana <Esher.Diana@epa.gov>
Sent: Monday, October 26, 2020 8:52 AM
To: Rivera, Nina <Rivera.Nina@epa.gov>
Subject: RE: Excused Leave for Serving as a Non-Partisan Volunteer Election Official

Hi Nina,

That's a good question and thank you for raising it.

The approval by the RA is only needed for the Non-Partisan Volunteer at the polling locations. It is not needed for individual who is voting on election day. I re-read Donna's message and I can see how that might be confusing.

I'll say it on the call as well.

Diana

Diana Esher
Deputy Regional Administrator
US EPA Region 3
215-814-2706
esher.diana@epa.gov

From: Rivera, Nina
Sent: Monday, October 26, 2020 8:47 AM
To: Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: Excused Leave for Serving as a Non-Partisan Volunteer Election Official

I read Vizian's message that approval for such absences must come from the RA, so that other supervisors could recommend but not approve any such request. Can you clarify the process if we get a request? Thanks.

You could address this in the call today – no need to respond to my individual email.

From: Esher, Diana <Esher.Diana@epa.gov>

Sent: Monday, October 26, 2020 8:40 AM

Subject: Excused Leave for Serving as a Non-Partisan Volunteer Election Official

Colleagues,

On October 22, 2020, Donna Vizian sent the attached Mass Mailer regarding excused absences for voting, as well as training and serving as a non-partisan volunteer election official to assist at polling stations.

While the Mass Mailer stated that supervisors may grant an ***excused absence*** upon request to employees who want to serve as volunteer election officials or poll workers, it is always up to you to determine whether to grant an excused absence after considering critical mission needs. Here are the additional ethics rules to apply:

- Verify that the employee is *volunteering*
 - EPA supervisors cannot grant an excused absence if the employee will be paid
 - If the employee will be paid, then s/he is ineligible for an excused absence and, instead, must request annual leave or leave without pay
- Verify that the employee is volunteering for a *non-partisan entity*
 - State or county boards of elections are non-partisan
 - Just because an entity is non-profit (or says it is) does not also mean that it is non-partisan. If you are unsure about the status of a particular organization, ask ethics@epa.gov
- If the service is voluntary and non-partisan, then the supervisor may grant an excused absence consistent with the OMS guidance to both lesser restricted and further restricted employees under the Hatch Act.

If you have any questions please contact a member of the ORC ethics team.

Thank you,
Diana